

REMARKS

Support for the amendment of Claim 21 may be found at page 4, lines 13-20, and in original Claim 1. Support for the amendment of Claim 18 may be found at page 3, line 3 of the specification.

Applicants thank the Examiner for the allowance of Claims 1-4, 6-8, 10-17, and 20. The Examiner's comments together with the cited references have been carefully studied. Favorable reconsideration in view of the foregoing amendments and following remarks is respectfully requested.

Claim 21 stands rejected under 35 U.S.C. 112, first paragraph. Applicants have amended this claim in accordance with the Examiner's comments in the Office Action so that the aluminum concentration is consistent with allowed Claim 1 and should therefore be allowable.

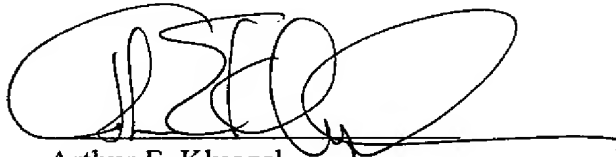
Relying on 35 U.S.C. 102(b), Claims 18-19 stand rejected as being anticipated by Farmer (US 4,152,404). According to the Examiner, the product of the reference patent is the same as that of Claims 18 and 19 since the Claim is not limited to the method of the present claims. While Applicants agree that the so-called "product by process" claim covers the product no matter what process is used to make it, they do not agree that the product of the Farmer patent would be within the claims, especially as now amended. To clarify any concern in this regard, Claim 18 has been amended to limit the material to an amorphous material. The Farmer product is characterized in Claim 1 as resembling "imogolite" which is crystalline and exhibits three distinct electron diffraction peaks. This is similar to "imogolite" as described in US 6,468,492 previously cited by the Examiner and overcome. In the previously submitted Declaration, the inventor has confirmed that use of a temperature as low as 35°C would not produce the crystalline "imogolite." Thus, the material produced by the process of Claim 1 in the present application is amorphous while that of the art is crystalline. Thus, there is a clear distinction between the two materials. Following the Examiner's allowance of the method claims, the process is different from the art due to the temperature distinction. Moreover, the Examiner has already considered the process difference to be non-obvious due to the difference in the form of the product. To be consistent, the product claims should now be allowed as well.

Applicants therefore respectfully request that the Examiner reconsider and withdraw the rejection of the claims under 35 U.S.C. 102(b).

In view of the foregoing remarks and amendment, all of the claims are now deemed allowable and such favorable action is courteously solicited.

Should the Examiner consider that additional amendments are necessary to place the application in condition for allowance, the favor is requested of a telephone call to the undersigned counsel for the purpose of discussing such amendments.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'A. Kluegel', with a long horizontal flourish extending to the right.

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If the Examiner is unable to reach the Applicant(s) Attorney at the telephone number provided, the Examiner is requested to communicate with Eastman Kodak Company Patent Operations at (585) 477-4656.